

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JULIE CAMPBELL,

Plaintiff,

-against-

HEART SHARE HUMAN SERVICES OF
NEW YORK, ROMAN CATHOLIC DIOCESE
OF BROOKLYN,

Defendant.
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Civil Action No. 17-cv-292

: **NOTICE OF REMOVAL OF A**
: **CIVIL ACTION**
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Defendant, HeartShare Human Services of New York¹ (“Defendant” or “HeartShare”), by and through its attorneys, Clifton Budd & DeMaria, LLP, desiring to remove this civil action from the Civil Court of the City of New York, County of Kings, to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby submits this Notice of Removal and alleges as follows:

1. Upon information and belief, Plaintiff, Julie Campbell (“Plaintiff”), commenced an action on December 15, 2016 in the Civil Court of the City of New York, County of Kings, Index No. 022657/16, against Defendant. A copy of Plaintiff’s Summons and Complaint (the “Complaint”) filed with the Court is attached as **Exhibit A**.

2. On or about December 28, 2016, Defendant was served with the Complaint.

3. The Notice of Removal is being filed within thirty (30) days of the receipt by the Defendant, through service or otherwise, of the Complaint and, thus, is timely filed under 28 U.S.C. § 1446(b).

4. Defendant’s time to move or answer the Complaint has not expired.

¹ The Complaint improperly names Defendant HeartShare Human Services of New York as “Heart Share Human Services of New York, Roman Catholic Diocese of Brooklyn.”

5. Defendant is seeking removal of this action under 28 U.S.C. § 1441 because Plaintiff alleges violations of the laws of the United States, including the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (“FLSA”).

6. Specifically, Plaintiff alleges that Defendant failed to pay Plaintiff overtime wages in violation of the FLSA. Plaintiff also alleges that Defendant violated the New York Labor Law concerning its alleged failure to pay Plaintiff overtime wages and failure to provide Plaintiff with annual notices of pay and wage statements. Finally, Plaintiff alleges that Defendant violated 12 N.Y.C.R.R. § 142-2.5(c) by failing to pay Plaintiff uniform maintenance pay.

7. Given the specific allegations of violations of federal law in the Complaint, this Court has original federal question jurisdiction under 28 U.S.C. § 1331 and this action is properly removed to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over the remaining causes of action alleging violations of the New York Labor Law and regulations.


WHEREFORE, Defendant respectfully requests that this action be removed from the Civil Court of the City of New York, County of Kings, to the United States District Court for the Eastern District of New York.

Dated: New York, New York
January 18, 2017

Respectfully submitted,

CLIFTON BUDD & DeMARIA, LLP

By: _____


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